

EXHIBIT 2



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Jeffrey M. Wakefield
304.347.4231 (direct)
JWakefield@flahertylegal.com

April 22, 2020

VIA E-MAIL

B. Allen Campbell
Office of the Attorney General
Health and Human Resources Division
812 Quarrier St., 2nd Floor,
Charleston, WV 25301
Allen.B.Campbell@wv.gov

Riley J. Romeo, Jr.
West Virginia Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, WV 25301
Riley.J.Romeo@wv.gov

Re: Subpoena Requests in:

***City of Huntington v. AmerisourceBergen Drug Corp. et al.,
3:17-01362 (S.D.W. Va.)***

***Cabell County Comm'n v. AmerisourceBergen Drug Corp. et
al., 3:17-01665 (S.D.W. Va.)***

Dear Allen and Riley:

Thank you for taking the time to discuss the subpoenas served on the West Virginia Department of Health and Human Resources ("DHHR") and the West Virginia Bureau for Medical Services ("BMS") on March 17, 2020. This letter summarizes our April 20, 2020 call and provides additional information regarding claims data extraction.

As we discussed, Defendants have moved for an extension of the current case schedule, and we are doing our best to get more time for third-party discovery. See Dkt. Nos. 347, 348. However, for now, the Court deadline for completing document discovery is April 30, so we can extend the compliance deadline for DHHR's and BMS's document production only until that date. Should the deadline be extended, we are amenable to extending the respective compliance deadlines for DHHR and BMS as well.

Narrowed requests. While reserving all rights under our subpoenas, we are willing to reduce the scope of the subpoenas in the following ways:

- The Relevant Time Period will be January 1, 2010 to present.



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B. Allen Campbell
Riley J. Romeo, Jr.
April 22, 2020
Page 2

- The following requests for “All Documents” may be satisfied by “Documents sufficient to show”:
 - Requests 7 and 9 (Documents concerning Your knowledge of, access to, and use of any system or database that tracks the sale or dispensing of Controlled Substances or reimbursement of Prescription Opioid and/or Alternative Treatment claims);
 - Request 13 (Documents concerning Your policies and procedures for processing, tracking, and adjudicating claims for reimbursement for Prescription Opioids and/or Alternative Treatments);
 - DHHR Request 26; BMS Request 30 (Documents concerning the results of any utilization review of Prescription Opioids, including corrective actions taken as a result);
 - DHHR Request 38; BMS Request 42 (Documents concerning any initiatives or efforts by You to abate the opioid epidemic);
 - DHHR Request 39; BMS Request 43 (Documents concerning any efforts made by You to utilize the West Virginia Controlled Substances Monitoring Program to identify healthcare professionals or patients potentially diverting or abusing Controlled Substances); and
 - DHHR Requests 41 and 42; BMS Requests 45 and 46 (Documents concerning any efforts you have made to encourage prescribing and use of Prescription Opioids or to discourage the prescribing, abuse, or diversion of Prescription Opioids).

Claims data extraction. As discussed, attached to this letter is a memo from an earlier opioid litigation that describes for the Ohio Department of Medicaid the process for extracting an initial test set of claims data. This procedure outlined for an initial data pull would be largely transferable to a full data pull, and we note that we have agreed to a narrower temporal scope with DHHR and BMS than the one described in the memo. The memo references the two NDC and ICD attachments, as well as a spreadsheet of Ohio Department of Medicaid data fields (all attached).

We understand that DHHR and BMS will likely follow the same procedure as the Ohio Department of Medicaid; we are open to discussing modifications that may be needed based on DHHR’s, BMS’s, or a third-party administrator’s individual circumstances. As described in the memo and discussed on our call, DHHR and BMS may produce claims data that de-identifies patient health information and assigns unique patient identifiers in its place.

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B. Allen Campbell
Riley J. Romeo, Jr.
April 22, 2020
Page 3

We welcome any comments or questions you may have and look forward to maintaining close communication with you during this process. Please contact me directly at (304) 347-4231 if you have questions concerning the subpoena requests before our next call on Monday, April 27.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Wakefield".
Jeffrey M. Wakefield

JMW/sls
11206-50198